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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,326	03/22/2004	Robert Griessbach	080437.53193US	9091

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EXAMINER

TRUONG, LOAN

ART UNIT	PAPER NUMBER
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2114

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/805,326

Applicant(s)

GRIESSBACH, ROBERT

Examiner

LOAN TRUONG

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to applicant's arguments filed on January 18, 2007.
2. Claims 1-10 are presented for examination. Claims 1-2, 4, 7-8 are amended. Claims 9-10 are newly added.

Response to Arguments

3. Applicant's arguments, filed January 18, 2007, with respect to 1-4 and 7-8 have been fully considered and are persuasive. The 35 U.S.C. 102(b) as being anticipated by Greig et al. (US 4,607,365) and 35 U.S.C. 103(a) as being unpatentable over Greig et al. (US 4,607,365) in further view of McIntyre et al. (US 6,272,113) has been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 -10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1 and 7 refers to a diagnostic mode to request by a diagnostic device uninvolved in the message transmission during normal operation mode, a second bus user to output on the communication bus the message intended for the second bus user and in this same diagnostic mode to detect a disturbance when

the diagnostic device does not receive the message or receives a damage message from the second bus user via the communication bus. The applicant's specification stated otherwise. On paragraph 0007, stated that in normal operating mode, using the diagnostic device, the bus user normally receiving the message can be caused to output the message to the communication bus and if the bus user does not do so or if the message is damage, a disturbance is present.

Paragraph 0008 further stated that in the diagnostic operation, a third bus user is used to localize the source of the disturbance. Appropriate correction is advised.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 refers to a message intended for the second bus user for the diagnostic device to request the second bus user to output on the communication bus and claim 7 refers to a message intended for transmission from the first bus user to the second bus user during normal operation mode. The definition of intended by Dictionary.com stated "To have a design or purpose in mind". The word "intended message" is interpreted by the examiner as a message that will be sent to the second bus user and will be sent but has not. Therefore, it is not possible for the diagnostic device to request the second bus user to output on the communication bus a message that the second bus user has not yet received. Furthermore, claim 1 disclosed the limitation of "the second bus user output on the communication bus a message intended for the second bus user" which examiner interprets as the second bus user sending a message to it self.

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On the contrary, claim 7 disclosed the limitation of the first bus user intended to transmit a message to the second bus user during normal mode. It is unclear whether the first bus user intended to send the second bus user a message in normal mode and actually send the second bus user the message in diagnostic mode or the first user intend to send the second bus user a message in normal mode and the second bus user sends it self a message in diagnostic mode. Appropriate correction is advised.

Allowable Subject Matter

6. Claims 1-10 are allowed if applicant overcomes 35 USC 112 rejections.

The following is an examiner's statement of reasons for the allowance:

The examiner deem claims 1-10 as novel when read as a whole for the limitations diagnosing the message transmission, operating in diagnostic operating mode that differs from a normal operation mode and includes the acts of:

Requesting by the diagnostic device for the second bus user to output to the communication bus a message intended for transmission from the first bus user to the second bus user during normal operation mode, thereby diagnosing the message transmission, wherein the diagnostic device is uninvolved in the intended message transmission during the normal operation mode.

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7. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LOAN TRUONG whose telephone number is (571) 272-2572.

The examiner can normally be reached on M-F from 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SCOTT BADERMAN can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Loan Truong
Patent Examiner
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SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER